

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

MONIQUE DOSS, NADIA HARRIS, SHAVONDA
GIBBS, ROCHELLE CHILDS, DARREN CHILDS,
LADARIUS JOHNSON, TAMARA GREEN, DARIUS
WEST, ROGER HAWKINS, TAKEERA JOHNSON,
LEVAN HARRIS, JOSEPH DOSS, TYNEET DOSS,
JUSTIN CHILDS, A MINOR BY AND THROUGH
BRENDA CHILDS AS NEXT OF FRIEND AND
NATURAL GUARDIAN

PLAINTIFFS

VS.

CIVIL ACTION NO. 4:09 - CV- 76-P-S

NPC INTERNATIONAL, INC. dba PIZZA HUT

DEFENDANTS

ORDER

This matter is before the court on motion of the defendant to strike the plaintiff's amended complaint (# 56). The plaintiff has not responded to the instant motion. Plaintiffs filed an amended complaint on January 5, 2010, following an order by this court granting a joint motion to amend the complaint to remove an individual plaintiff; there has not been any motion to amend the complaint with regard to damages. Despite this fact, plaintiffs' amended complaint dropped a punitive damages claim.

Pursuant to Rule 15(a), "a party may amend its pleading only with the opposing party's written consent or the Court's leave." *See* Fed. R. Civ. P. 15(a). Plaintiffs' amended complaint, as filed, exceeds the scope of the order of this court. Therefore, it is,

ORDERED that the defendants' motion to strike the plaintiffs' amended complaint (# 56) is hereby GRANTED.

SO ORDERED, this the 9th day of February 2010.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE